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3 September 2004

**FACSIMILE TRANSMISSION
SECURITY COVER SHEET**

To: **The United States Patent Office**
Crystal City, Virginia
Group Art Unit 2611
Attention: Examiner Bui

Fax No.: 703.872.9314
Tel No.: 703.305.0095

From: Thomas N. Giaccherini
Post Office Box 1146
Carmel Valley, California 93924

Re: Submission of Election of Claims
for USSN 09/688,997

This transmission comprises this transmittal sheet and 2 additional pages.

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09/03/04

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002/003

SEP 03 2004

PATENT
HMD2000-1-CIPA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas N. Giaccherini, et al.

Examiner: Bui

Serial No.: 09/688,997

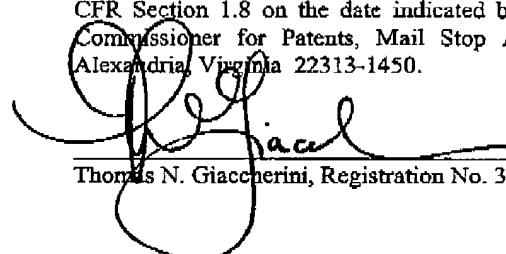
Group Art Unit: 2611

Title: **Method for Utilizing
Excess Communications Capacity**

Filed: 16 October 2000

**CERTIFICATE OF FACSIMILE TRANSMISSION
UNDER 37 C.F.R. SECTION 1.8**

The undersigned hereby certifies that this document is being transmitted to the United States Postal Service in accordance with the provisions of 37 CFR Section 1.8 on the date indicated below and is addressed to The Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, Virginia 22313-1450.



Thomas N. Giaccherini, Registration No. 31,075

Date

3 Sept 04.

ELECTION OF CLAIMS

The Commissioner for Patents
Mail Stop Amendment
P.O. Box 1450
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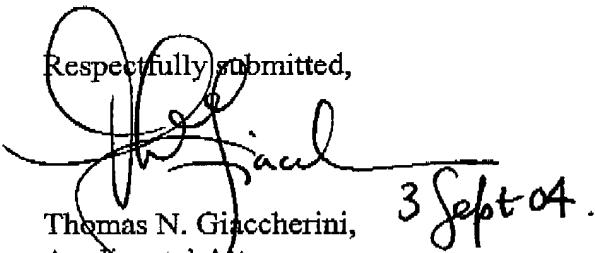
Sir:

The Applicants submit this Election of Claims in response to the Examiner's Requirement for Restriction, which was conveyed to the Attorney of Record on 1 September 2004 in a telephone call.

Election of Claims for U.S. Patent Application entitled
Method for Utilizing Excess Communications Capacity
USSN 09/688,997
HMD2000-1-CIPA
Page 2

The Applicants elect to prosecute Group II, Claims 25-49, without traverse.

Respectfully submitted,


Thomas N. Giaccherini,
Applicants' Attorney
Registration No. 31,075

3 Sept 04.

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Faxed to the United States Patent Office
on 3 September 2004 with a Rule 8 Certificate of Mailing.